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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,184	11/21/2000	Richie D. Barnes	27850-1	1323

7590 04/01/2002

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EXAMINER

PENDLETON, BRIAN T

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 04/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,184

Applicant(s)

BARNES, RICHIE

Examiner

Brian T. Pendleton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 are 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruni. Interpreting Bruni as broadly as possible, there is a disclosed motorcycle having an audio component 10a, supplied with power from the 12 V DC power system of the motorcycle through power leads, a capacitor on circuit board 10d₃, an amplifier 10b, wires for communicating signals from the audio component 10a to the amplifier 10b (see figure 3), transducers 11a and 12a and wires for communicating signals from the amplifier 10b to the transducers, meeting claim 1. Per claim 4, the audio component 10a has a tape deck and/or radio receiver. As to claims 5 and 6, either the tape deck or radio receiver is the auxiliary audio component. Per claim 7, the transducers 11a and 12a, are speakers. Regarding claim 8, the transducers are in the rearview mirrors 11 and 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruni in view of Orr, US Patent 5,894,810. Bruni discloses a motorcycle sound system comprising an audio component, inherently a power supply connected to a capacitor, an amplifier and two speakers. The sound system of Bruni, which is mounted on the handlebar of the motorcycle, was noted in the specification of Orr (column 1 lines 20-23). Orr cites the Bruni example as prior art in the art of mounting speaker systems onto moving vehicles. Orr discloses a hood assembly for mounting a stereo system comprising a hood 16, audio component 38, and speakers 50. The hood assembly recesses into compartment 20. The purpose of Orr was to develop a better approach to mounting audio systems onto moving vehicles. The solution was to incorporate or install the audio system inside the moving vehicle while maintaining its aesthetic appearance (see column 1 lines 42-46). That would have been advantageous in light of the Bruni invention. As one of ordinary skill in the art would have realized, the audio component of Bruni obstructed the rider's view of the gauges and would be susceptible to theft. Orr taught that the proposed hood assembly 16 would not obstruct the view of the gauges. In addition, column 3 lines 43-53 disclose that the audio component 38 of Orr could be disconnected with ease for security purposes. It was not possible to do such a maneuver with the invention of Bruni. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bruni by creating a hood (cowling) assembly which could house the amplifier, capacitor, audio component and transducers. As stated above, the advantages would be security and conformity with the existing motorcycle structure. Although the invention of Orr is

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directed to watercraft vehicles, the art is analogous to Bruni because they both are directed to speaker system mounting. Claims 9 and 16 are met. Regarding claim 2, the modified Bruni invention would have the sound system in the motorcycle's existing structures. As to claims 3 and 10, the limitations are met through a proposed cowling. Per claims 11 and 17, there is disclosed a FM receiver disclosed in Bruni. As to claims 12, 13, and 18, the auxiliary audio component is the tape deck. To claims 14, 15, 19, and 20, the proposed combination would have the speaker housed within the existing structures of the motorcycle of Bruni, with the speaker in the cowling per the teachings of Orr.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Murayama, US Patent 4,473,251; Fukunaga et al, US Patent 4,485,884; Nakashima et al, US Patent 4,915,187.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (703) 305-9509. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Brian Tyrone Pendleton
March 22, 2002



FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700